

House Bill 31  
January 10, 2013  
Presented by Ken McDonald  
House Fish, Wildlife and Parks Committee

Mr. Chairperson and committee members, I am Ken McDonald, Wildlife Division Administrator of the Montana Department of Fish, Wildlife and Parks (FWP). I am here in opposition to House Bill 31.

Over the course of this Legislative session, there are likely to be numerous bills directed at aggressive management of wolves. While Montana Fish, Wildlife and Parks (FWP) appreciates the frustration about wolves, we strongly advocate a measured approach to management, as described in HB 73, vs. the approach contained in this bill. We have worked very hard to get to a point where wolves could be removed from the federal Endangered Species Act list. They have been delisted three times, only to be relisted as a result of court action the first two times. It literally took an act of Congress to finally get them off the list, and management under the authority of FWP. But understand, all Congress did was approve the delisting rule proposed by the U.S. Fish and Wildlife Service (USFWS). Deviation from the factors that were required for delisting opens the door to relisting. The most recent delisting was a mere 20 months ago.

We are now in our second full hunting season since wolves were finally delisted. It is critical that we continue to demonstrate commitment to responsible management consistent with our state wolf management plan, developed by a diverse citizen's advisory committee, in order to maintain state authority over wolf management. FWP feels that this bill jeopardizes that, and recommends a do not pass on House Bill 31.

The primary concern FWP has with this bill is the last part of Section 2 (new subsection 7), specifically the requirement that FWP manage the wolf population greater than or equal to 150 wolves/15 breeding pairs, but not more than 250 wolves. This is problematic for several reasons:

- FWP and the wolf council that helped develop Montana's wolf plan deliberately did not set a cap or upper limit on wolves. In fact, one alternative considered was a Minimum Number alternative, and that was not recommended. Like other wildlife, it is expected that wolves will be managed based on a variety of factors including habitat condition, social tolerance, and biological considerations. This is best done through the FWP Commission process.
- Fifteen breeding pairs pretty much equals 250 wolves (based on fact that each breeding pair corresponds to 16-17 wolves in Montana. That means 250 wolves would lead to approximately 15 to 16 breeding pairs). That means erefore, FWP would be required to manage right down to the limit of 15 breeding pairs. As such, per the plan and FWP's wolf management rules, the closer we get to 15 breeding pairs, the more conservative management must be. Below 15 breeding pairs management becomes primarily non-lethal.
- If Montana falls below 15 breeding pairs for 3 consecutive years or 10 breeding pairs in any one year, a status review is automatically triggered. A status review would also result if "a

change in state law or management objectives would significantly increase the threat to the wolf population.”

- A requirement for delisting is acceptance of Montana’s wolf management plan by the U.S. Fish and Wildlife Service (USFWS). Any significant deviation from the plan that was accepted by the USFWS triggers a federal status review, which could result in relisting of wolves. Whatever decision they render is also subject to court challenge. The wording in Section 2(7) would very likely trigger a status review since that is a significant deviation from Montana’s plan.

- It is essentially impossible and expensive to manage a wide ranging wildlife population like wolves at a very specific level. This would require extreme precision to manage at such a specific level (<250), which would require extensive hands-on management. Such fine level precision would be very costly. The cost is reflected in the fiscal note, which estimates the cost of just the monitoring at greater than \$1.3 million per year.

- Management would be further complicated and very conservative once the population was <250 because very few wolves could be taken in any year to avoid going below 15 breeding pairs. That means hunting would have to be tightly managed, and probably severely limited. This would in turn affect licenses sold, and thus funds available for the precise management. Management responses to livestock depredations would also potentially be impacted.

- This highlights another concern with this bill – the wording in Section 7 that enables by statute a hunter to receive up to 5 licenses. If hunting must be restricted, it will be more difficult if hunters are allowed up to 5 licenses.

- Finally, requiring management to a specific number sets FWP up for failure and likely will result in multiple litigations. If wolf numbers are managed to less than 250, wolf advocates will surely sue the USFWS to relist them. If the population is greater than 250, wolf critics will sue FWP for not adhering to the law. It will be nearly impossible to manage for a specific number of wolves, and it will be impossible to avoid the resulting litigation. Also, because a population of less than 250 is mandated in statute, it will probably be impossible to avoid a relisting.

The other concern FWP has with this bill is that by putting season dates, license limits, and management structure in statute, as in Section 1 and Section 7, management flexibility is reduced. These are variables that are best decided by the FWP Commission on an annual basis in response to contemporary conditions. The Commission has demonstrated willingness to ratchet up hunting regulations as we learn about effectiveness of hunters, while demonstrating that we are managing responsibly. In three seasons, we went from a quota of 75 to no quota; a three month season to a six-month season; implementation of trapping; and a limit increase from one to three. Under this bill, if a longer season was desired, or additional licenses allowed, it would require legislative action.

An additional problem with this bill, on page 9, amended new subsection (4) to MCA 87-2-105 requires that all new wolf hunters must pass a wolf trapping safety and education course. This

means that rifle hunters could not shoot a wolf unless they had passed the trapper education course. This may be inadvertent, but this is what the amendment requires.

FWP is supportive of legislation that expands the Commission's ability to increase bag limits, allow electronic calls, not require hunter orange outside of the general big game season, and reduces the price of a nonresident license. These items are all contained in HB 73 as well as this bill. FWP is not supportive of including specific season structure components in statute, nor a specific population number. These are best left to the Commission, which has a much greater ability to adjust management as necessary. Finally, FWP is greatly concerned that this bill, if passed as written, would jeopardize our ability to manage wolves at all, and would open the door to uncertainty, continued litigation, and potential relisting.

FWP recommends do not pass HB 31 but instead pass HB 73.